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Via ECF & Email

August 19, 2024

Chambers of the Honorable Alan B. Johnson  
United States District Court for the District of Wyoming  
2120 Capitol Avenue, Room 2018  
Cheyenne, WY 82001

Re: BCB Cheyenne LLC v. MineOne *et. al.*; Civil No. 23-CV-79-ABJ  
Request for Briefing Schedule on Plaintiff's Motion

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Dear Judge Johnson:

We, along with our co-counsel Hathaway & Kunz, LLP, represent Defendants MineOne Wyoming Data Center, LLC ("MineOne"), MineOne Partners, LLC, and Terra Crypto Inc. (collectively, the "MineOne Defendants"), and write in response to Plaintiff BCB Cheyenne LLC's Motion for Protective Order, to Quash Subpoenas, for Sanctions against MineOne Data, and to revoke the *Pro Hac Vice* admission of Paula Colbath. (ECF No. 317; the "Motion").

While Plaintiff has styled the Motion it filed last night at 11:00 p.m. EST as an "emergency" Motion because of its desire to quash the subpoenas to non-parties Dr. Bryce Fincham, James Quid, Todd Edwards, Barney Patsel, CMV Global LLC, Bayview Capital Investments LLC, and Black Hills Energy, there is no emergency.

First, the MineOne Defendants already agreed *one week ago* to extend BCB's counsel's time to file motions to quash and/or modify the subpoenas to Dr. Bryce Fincham, CMV Global LLC, and Bayview Capital Investments LLC "until 2 days after the parties have completed an informal discovery conference, as required by Wyoming local rules." See **Ex. A**. The MineOne Defendants agreed yesterday to "cooperate with all third party witnesses" as to their availability and discuss the issue further with Magistrate Judge Hambrick during the conference scheduled for later today. See **Ex. B**. BCB's counsel ignored our willingness to meet and confer on logical deposition scheduling and filed the instant motion in an attempt to burden the MineOne Defendants and the Court.

Second, the MineOne Defendants have not yet served subpoenas on James Quid, Todd Edwards, and Barney Patsel. Rather, the MineOne Defendants merely notified BCB of their *intent* to serve these subpoenas, and ceased all service attempts upon receipt of BCB's Motion. These are key witnesses in the MineOne Defendants' defense and prosecution of their counterclaims.

Third, and unfortunately, BCB's Motion to quash the subject subpoenas operates as a stay of all discovery sought by the subpoenas to these witnesses pursuant to Local Rule 37.1(d). There is



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ample time to resolve this routine discovery dispute prior to the September 17, 2024 discovery cutoff.

Finally, because BCB's Motion is replete with misrepresentations and seeks extraordinary relief against the MineOne Defendants and their counsel, the MineOne Defendants require the full 14 days afforded by Local Civil Rule 7.1(b)(1)(B) to respond. We will respond by September 3, 2024.

We thank Your Honor for his time and attention to this matter.

Respectfully submitted,

*/s/ Paula K. Colbath*

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